

JH
LAW OFFICES OF
JAMES HENNING
& ASSOCIATES

VIA ECF

Honorable Magistrate Judge Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plz E.
Brooklyn, New York 11201

June 16, 2023

RE: Carlton Roman v. The City of New York
Case Number: 22-cv-6681(NGG) (CLP)

Your Honor:

I represent Plaintiff-Carlton Roman in the above referenced matter. I write pursuant to the order issued by Judge Garaufis on June 14th, which denied Defendants' motion to set aside Your Honor's May 15, 2023, order and directed the parties to contact Your Honor to discuss next steps regarding discovery. On June 14th, my office contacted Defendants' counsel in response to Judge Garaufis' order. Defendants' counsel informed my office that she continues to believe the Court's order is "unclear". For instance, counsel expressed her belief that the order does not permit Plaintiff to depose DA Melinda Katz, a deposition Your Honor specifically granted Plaintiff leave to conduct in the May 15th order upheld by Judge Garaufis on June 14th. Defendants' counsel claimed she would need to discuss the matter within her office before scheduling any continued discovery permitted by the order.

My office then requested counsel's availability for the conference with Your Honor directed by Judge Garaufis. Counsel claimed the earliest she will be available is July 11th and that she will be unavailable for the first two weeks of August and unable to appear virtually during that time because she will be overseas. Except for June 21st and the afternoon of June 20th, Plaintiff's counsel is available to appear for a conference at any time. Both parties are unavailable to appear on July 10th, because Alice Vachss's deposition has been ordered to take place on that date. Plaintiff's counsel has been unable to schedule any further depositions given Defendants' counsel's unavailability, and her continued position that the Court's order remains "unclear". Nor was Defendants' counsel able to offer an answer when my office inquired whether, pursuant to her understanding of the order, she believes she is required to provide the documentary discovery Your Honor ordered her to produce in the order of May 15th. Plaintiff respectfully requests a conference with this Court and thanks the Court for its time and consideration.

Sincerely,



Carissa Caukin, Esq.

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CC: Seema Kassab, Esq.
Attorney for Defendants